

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**INDACON, INC.**

**PLAINTIFF,**

**v.**

**FACEBOOK, INC.**

**DEFENDANT.**

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**Civil Action No. 5:10-CV-966-OLG**

<b>JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT</b>
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Plaintiff Indacon, Inc. (“Indacon”) and Defendant Facebook, Inc. (“Facebook”) hereby submit their Joint Alternative Dispute Resolution Report pursuant to the Court’s Scheduling Order dated March 4, 2011 (Dkt. No. 16), and would respectfully show the Court as follows:

**A. Status Of Settlement Negotiations**

The parties do not believe settlement is likely at this time, but may be possible after they have had the opportunity to more fully conduct discovery.

**B. Identity Of Persons Responsible For Settlement Negotiations For Each Party**

R. Laurence Macon for Indacon.  
Heidi Keefe, and potentially a client representative, for Facebook.

**C. Whether ADR Is Appropriate For The Case**

The parties believe ADR may be appropriate for this case after they have conducted discovery.

**D. ADR Procedures Certification**

The undersigned counsel certify that they have informed their respective clients of the ADR procedures available in the United States District Court for the Western District of Texas.

**E. ADR Method And Provider**

The parties have conferred through their counsel of record and agree that non-binding mediation is an appropriate ADR procedure for this case. The parties further agree to evenly share the cost of mediation. The parties have agreed to mediate this case with:

Donald R. Philbin, Jr.  
P.O. Box 12367  
San Antonio, TX 78212  
(210) 212-7100  
[Don.Philbin@ADRtoolbox.com](mailto:Don.Philbin@ADRtoolbox.com)

Respectfully submitted,

/s/ R. Laurence Macon

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/s/ Troy A. Glander

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**ATTORNEYS FOR DEFENDANT,**

**FACEBOOK, INC.**

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on May 10, 2011, a true and correct copy of this instrument was filed electronically, and notice of the filing was served on all counsel of record by operation of the Court's electronic filing system, and the parties may access this filing by and through the Court's electronic filing system.

/s/ R. Laurence Macon

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**R. LAURENCE MACON**